## FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

## RULE 63 (37 C.F.R. 1. DECLARATION AND POWER OF A TORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original, first and joint inventor (if plural names are listed below) or an original (if plural names are listed below) or an original (if plural names) or an original (if plu

below) of the subje	ect matter which is cla	med and for which	n a patent is sough	t on the <u>INVENTION ENT</u>	TLED NON-PRIMAR	RY DETONATORS
	pecification of which (	CHECK applicable				
BOY(ES)	R 🕅 was filed on	May 1, 2001	as	U.S. Application No.		- 20, 1000
<b>→ →</b>	C. Mas filed as PC	T International	Application No. 26	o. PCT/ <u>AU99/00940</u>	on Octobe	r 29, 1999
I hereby state that I I above. I acknowledge foreign priority beneft Application which de partificate or BCT le	ge the duty to disclose all its under 35 U.S.C. 119(a	stand the contents of information known to i)-(d) or 365(b) of any er country than the U	the above identified one to be material to foreign application (inited States, listed because disclosing the s	specification, including the cla patentability as defined in 37 s) for patent or inventor's certified elow and have also identified bubject matter claimed in this a	icate, or 365(a) of any F	PCT International ation for patent or inventor's
				Date first Laid-	Date Patented	
Number 2,252,353 PQ 2315	Country CANADA AUSTRALIA	Day/MONTH 4 November 19 August		open or Published	or Granted	Priority NOT Claimed
If more prior foreig	n applications, X box a	bottom and contin	ue on attached pag		dicated United States are	polications listed below and
Except as noted belonger international appropriate the property of the propert	ow, I hereby claim domes	tic priority benefit un- below and, if this is	der 35 U.S.C. 119(e) a continuation-in-part a Lacknowledge the	or 120 and/or 365(c) of the ind (CIP) application, insofar as a duty to disclose all information prior application and the natio	known to me to be mat	erial to patentability as
PRIOR U.S. PRO	VISIONAL, NONPRO	VISIONAL AND/C	OR PCT APPLICATION	TION(S) pending, a	<u>Status</u> bandoned, patente	Priority NOT Claimed
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I fifeby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issued thereon.						
hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, telephone number (202) 861-3000 (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 909 (see below label) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. nameles of persons no longer with their firm, to add new persons of their Firm to that Customer No., and to act and rely on instructions from and communicate directly with the person per						
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⊠ FOR ADD ☐ See <u>additi</u>	ITIONAL INVENT onal foreign priori	ORS see attac ties on attache	ched page. d page (incorp	orated herein by refe	rence). kt. No. <u>P 28028</u>	31
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As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the <a href="INVENTION ENTITLED NON-PRIMARY DETONATORS">INVENTION ENTITLED NON-PRIMARY DETONATORS</a>

X A. I	specification of which ( <u>C</u> ☐ is attached hereto.	HECK applicable BOX(ES))	•					
BOX(ES) →	B. 🛛 was filed on	May 1, 2001	as U.S. Application No.	1				
	C. ⊠ was filed as PCT e to U.S. or PCT applicati	International Application	n No. PCT/ <u>AU99/00940</u> 26, 2000	on <u>October 29, 1999</u>				
I hereby state that	I have reviewed and underst	and the contents of the above identi	ified specification, including the clain	ns, as amended by any amendment referred to	<del></del>			
above. I acknowle	dge the duty to disclose all in	nformation known to me to be mater	ial to patentability as defined in 37 C	F.R. 1.56. Except as noted below, I hereby cl	laim			
foreign priority ben	efits under 35 U.S.C. 119(a) tesionated at least one other	-(d) or 365(b) of any foreign applicat country than the United States, list	tion(s) for patent or inventor's certific ed helow and have also identified be	ate, or 365(a) of any PCT International low any foreign application for patent or invent	ors			
certificate, or PCT	International Application, file	d by me or my assignee disclosing t	the subject matter claimed in this app	plication and having a filing date (1) before that	of			
the application on v	which priority is claimed, or (	<ol><li>if no priority claimed, before the fi</li></ol>	ling date of this application:					
PRIOR FOREIG	N APPLICATION(S)		Date first Laid-	Date Patented				
Number	Country	Day/MONTH/Year Filed	open or Published	or Granted Priority NOT Claim	<u>red</u>			
2,252,353	CANADA	4 November 1998 19 August 1999						
PQ 2315	AUSTRALIA	19 August 1999						
If more prior forei	on annlications. X box at b	ottom and continue on attached p	page.					
Except as noted be	low, I hereby claim domestic	priority benefit under 35 U.S.C. 119	9(e) or 120 and/or 365(c) of the indic	ated United States applications listed below ar	nd			
PCT international a	applications listed above or b	elow and, if this is a continuation-in-	part (CIP) application, insofar as the	e subject matter disclosed and claimed in this nown to me to be material to patentability as				
application is in au défined in 37 C.F.F	altion to that disclosed in suc R. 1.56 which became availat	ole between the filing date of each s	uch prior application and the national	or PCT international filing date of this				
application:		-						
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pereby declare the	at all statements made herei	n of my own knowledge are true and	that all statements made on inform	ation and belief are believed to be true; and				
fuither that these s	tatements were made with th	ie knowledge that willful false staten	nents and the like so made are punis	shable by fine or imprisonment, or both, under the application or any patent issued thereon.				
And I hereby appoi	nt Pillsbury Winthrop LLP, In	tellectual Property Group, telephone	e number (202) 861-3000 (to whom a	all communications are to be directed), and by attorneys to prosecute this application and to				
transact all busines	s in the Patent and Tradema	ark Office connected therewith and v	with the resulting patent, and I hereby	y authorize them to delete from that Customer	No.			
names of persons a	no longer with their firm, to a	dd new persons of their Firm to that	Customer No., and to act and rely o	n instructions from and communicate directly w	vith			
ine person/assigne disclosure to be res	he person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full instruct the above Firm and/or an attorney of that Firm in writing to the contrary.							
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# PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

(a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

### PATENT LAWS 35 U.S.C.

### §102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent of the application in the United States, or
- the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- he did not himself invent the subject matter sought to be patented, or
  - before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

### §103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.
- Six months for Design Applications (35 U.S.C. 172).